

Olejarz, Barbara

Subject: FW: CON Determination Request for Hebrew Home and Hospital and Hebrew Home for Health & Rehabilitation, LLC

Attachments: Letter to AG Jepsen regarding Request for Determination Pursuant to Conn....pdf; Letter to Commissioner Pino at Dept. Public Health re Request for CON De....pdf

From: Agsten, Melinda A. [<mailto:MAgsten@wigginc.com>]
Sent: Monday, June 20, 2016 2:38 PM
To: Martone, Kim; Salton, Henry A.
Cc: Zinn-Rowthorn, Perry A.; Urban, Ralph; Shapiro, Daniel R.; Hawes, Gary W.; Edward H. Burnbaum Esq (eburnbaum@nbclaw.com)
Subject: CON Determination Request for Hebrew Home and Hospital and Hebrew Home for Health & Rehabilitation, LLC

Dear Kim and Henry,

I am sending for your information electronic copies of the filings being made today with Commissioner Pino and Attorney General Jepsen concerning the proposed transfer of Hebrew Home and Hospital's nursing home to Hebrew Home for Health & Rehabilitation, LLC. For the reasons stated in the cover letters, we do not believe the proposed transaction is subject to the Conversion Act or to CON review by the Office of Health Care Access.

Please let me know if you have any questions.

Best,

Melinda

Melinda A. Agsten
Wigginc and Dana LLP
265 Church Street, P.O. Box 1832
New Haven, Connecticut 06508-1832
Direct: 203.498.4326 | magsten@wigginc.com

WIGGIN AND DANA

New Haven | Stamford | New York | Hartford | Philadelphia | Greenwich | www.wigginc.com

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WIGGIN AND DANA

Counsellors at Law

Wiggin and Dana LLP
One Century Tower
P.O. Box 1832
New Haven, Connecticut
06508-1832
www.wiggin.com

Melinda A. Agsten
203-498-4326
Fax 203-782-2889
magsten@wiggin.com

VIA HAND DELIVERY

June 20, 2016

Commissioner Raul Pino, MD, MPH
Department of Public Health
410 Capitol Avenue, MS#13HCA
P.O. Box 340308
Hartford, CT 06134-0308

Re: Request for CON Determination

Dear Commissioner Pino:

Wiggin and Dana LLP represents Hebrew Home and Hospital, Incorporated (the "Home"). We also represent its parent Hebrew Health Care, Inc. and other entities in the Hebrew Health Care family (together "Hebrew HealthCare" or the "System"). Hebrew Home for Health & Rehabilitation, LLC ("HHHR") (described below) is represented by Edward H. Burnbaum of Novack Burnbaum Crystal, LLP.

Pursuant to Conn. Gen. Stat. § 19a-486a(b) of §§ 19a-486 through 486h (the "Conversion Act"), the Home and HHHR are concurrently filing a CON Determination Form ("Determination Form") with you and with the Office of the Attorney General ("OAG"). This letter supplements that filing. We have provided you with a copy of a separate supplemental letter filed with the OAG in which we demonstrate that the Conversion Act does not apply to this transaction.

As described in the Determination Form and below, the Home has negotiated the terms of a transaction with HHHR that will transfer the ownership of its 257 bed licensed skilled nursing facility to HHHR (the "Proposed Transaction"). For the reasons more fully discussed below, we do not believe that certificate of need ("CON") approval is required for the Proposed Transaction given the provisions of § 19a-638(b)(4) of Conn. Gen. Stat. and the exclusion of nursing homes from the definition of "health care facility" in § 19a-630(11).

Background

The Home is a nonprofit nonstock Connecticut corporation exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code (the "Code"). The Home is a member of the Hebrew HealthCare family, which also includes Hebrew Health Care, Inc. as the parent, Hebrew Community Services, Inc., Hebrew Life Choices, Inc., Hebrew Healthcare Foundation, Inc. and the Connecticut Geriatric Specialty Group, Inc. All are nonprofit entities organized as nonstock corporations exempt under section 501(c)(3) of the Code except for Connecticut Geriatric Specialty Group, which is a medical foundation operated on a taxable basis.

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Commissioner Raul Pino, MD, MPH

June 20, 2016

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The Home was originally founded in the early 1900s to provide long term care to members of the Jewish community in the area. In 1968, to better serve its population, the Home established a chronic disease hospital ("CDH"), which remains a subsidiary function of the Home. To better serve the needs of the community, in 2003 the Home created its parent, and it then added other services and organizational components to the System.

Currently, the Home holds licenses from the Department of Public Health for a 257 bed chronic and convalescent nursing home (the "skilled nursing home" or "SNF"), a 45 bed CDH, and an outpatient clinic. In addition to those three licenses, Hebrew Community Services is licensed as an assisted living services agency, or ALSA. Hebrew Life Choices, Inc. owns and operates Hoffman SummerWood Community, which operates a 106 apartment assisted living facility. The HHRH transaction is limited to transfer of the SNF. The Home will continue to operate the CDH and outpatient clinic.

HHRH is a limited liability company established by Marvin J. Ostreicher, a well-known and well-regarded operator of nursing homes in Connecticut and other Northeastern states. Mr. Ostreicher owns and operates existing nursing home facilities through National Health Care Associates, Inc. ("NHCA") and its affiliates. In this case, HHRH has been established outside NHCA, with Mr. Ostreicher serving as HHRH's Manager.

Proposed Transaction

The proposed transaction is described in Section III, "Proposal Description" of the enclosed OHCA CON Determination Form 2020. In summary, the Home will (i) transfer the operations of its licensed 257 skilled nursing beds to HHRH, (ii) lease to HHRH the space those beds currently occupy and certain associated furniture, fixtures and equipment along with some supporting space, such as the kitchen, and (iii) transfer to HHRH the attendant personal property, such as medical equipment and supplies. In return, HHRH will pay \$300,000, assume the Home's existing liability of approximately \$1,250,000 for accrued paid time off ("PTO") for employees, and pay rent equal to the Home's monthly mortgage payments.

Following the Proposed Transaction, the Home will no longer have a SNF, and HHRH will own and operate a SNF. Accordingly, the Proposed Transaction is for the sale or transfer of a nursing home, which is not subject to CON requirements.

CON Requirements Prior to October, 2010. Prior to October 1, 2010 when Public Act No. 10-179 took effect, nursing homes were generally exempt from the CON laws under Conn. Gen. Stat. 19a-639(a). That statute also provided, though, that if a nursing home was, or was going to be, affiliated in some manner with a hospital or other facility or institution subject to Conn. Gen. Stat. §§ 19a-638 or 19a-639(a), the nursing home would be subject to the CON laws.

WIGGIN AND DANA

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Commissioner Raul Pino, MD, MPH
June 20, 2016
Page 3 of 3

Public Act No. 10-179 Amendments. The General Assembly substantially amended the CON laws under Public Act No. 10-179 to, among other things, provide that nursing homes are no longer included in the definition of "health care facility" and, in fact, are expressly and unconditionally exempt from the OHCA CON requirements. The term "health care facility" is now more narrowly defined to include only hospitals, freestanding emergency departments, outpatient surgical facilities, and certain other facilities listed in the statute (but not including nursing homes). Moreover, the General Assembly repealed the explicit language in § 19a-639a(a) that had excluded hospital-affiliated nursing homes from the exemption. Amended § 19a-638(b) now states, "A certificate of need shall not be required for . . . nursing homes..."

Legal Analysis. As a result of the sweeping changes to the CON statutes in 2010, it is clear that the sale or transfer of the Home's SNF does not require CON approval, and the fact that the SNF has a relationship with the Home's licensed CDH is irrelevant. Nursing homes are no longer included in the definition of "health care facility" and further, are expressly and unconditionally exempt from OHCA's CON requirements under the amended statutes.

Further, the language that explicitly required CON approval for hospital-affiliated nursing homes (and other exempt entities) was repealed. This repeal evidences legislative intent to exempt institutions such as the Home's SNF from OHCA's CON requirements. It is a basic tenet of statutory construction that when the legislature amends the language of a statute, it is presumed that the legislature intended to change the meaning of the statute and to accomplish some purpose. See, e.g., *Chatterjee v. Comm'r of Revenue Servs.*, 277 Conn. 681 (2006); *State v. Johnson*, 227 Conn. 534, 543 (1993). Accordingly, it can only be presumed that, by eliminating the language that explicitly required CON approval for hospital-affiliated nursing homes, the legislature intended to exempt nursing homes from the CON requirements, regardless of whether they are hospital-affiliated. To interpret the amended statute otherwise would render this deliberate statutory change meaningless.

Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,



Melinda A. Agsten

Enclosures

cc: The Honorable George Jepson, Attorney General
Edward H. Burnbaum, Esq., Novack Burnbaum Crystal, LLP

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410 Capitol Avenue, MS#13HCA
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Commissioner Raul Pino, MD, MPH

June 20, 2016

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Commissioner Raul Pino, MD, MPH
June 20, 2016
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Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,



Melinda A. Agsten

Enclosures

cc: The Honorable George Jepson, Attorney General
Edward H. Burnbaum, Esq., Novack Burnbaum Crystal, LLP



**State of Connecticut
Office of Health Care Access
CON Determination Form
Form 2020**

All persons who are requesting a determination from OHCA as to whether a CON is required for their proposed project must complete this Form 2020. The completed form should be submitted to the Director of the Office of Health Care Access, 410 Capitol Avenue, MS#13HCA, P.O. Box 340308, Hartford, Connecticut 06134-0308.

SECTION I. PETITIONER INFORMATION

If this proposal has more than two Petitioners, please attach a separate sheet, supplying the same information for each Petitioner in the format presented in the following table.

	Petitioner	Petitioner
Full Legal Name	Hebrew Home and Hospital, Incorporated	Hebrew Home for Health & Rehabilitation, LLC
Doing Business As	Hebrew Home and Hospital, Incorporated	Hebrew Home for Health & Rehabilitation, LLC
Name of Parent Corporation	Hebrew Health Care, Inc.	N/A
Petitioner's Mailing Address, if Post Office (PO) Box, include a street mailing address for Certified Mail	1 Abrahms Blvd. West Hartford, CT 06117	20 East Sunrise Highway Valley Stream, NY 11581
What is the Petitioner's Status: P for profit and NP for Nonprofit	NP	P
Contact Person at Facility, including Title/Position: This Individual at the facility will be the Petitioner's Designee to receive all correspondence in this matter.	Bonnie Gauthier, President and CEO	Marvin J. Ostreicher, Manager

Contact Person's Mailing Address, if PO Box, include a street mailing address for Certified Mail	1 Abrahms Blvd. West Hartford, CT 06117	20 East Sunrise Highway Valley Stream, NY 11581
Contact Person's Telephone Number	860-523-3892	516-705-4801
Contact Person's Fax Number	860-523-3816	516-887-8494
Contact Person's e-mail Address	bgauthier@ hebrewhealthcare.org	mostreicher@ nathealthcare.com

SECTION II. GENERAL PROPOSAL INFORMATION

- a. Proposal/Project Title: Operations Transfer of 257 Skilled Nursing Beds and Related Lease by Hebrew Home and Hospital to Hebrew Home for Health & Rehabilitation, LLC
- b. Estimated Total Project Cost: \$300,000 plus lease payments and assumption of approximately \$1,250,000 of liabilities
- c. Location of proposal, identifying Street Address, Town and Zip Code: 1 Abrahms Boulevard, West Hartford, CT 06117
- d. List each town this project is intended to serve: Hartford, West Hartford, Bloomfield, Newington, New Britain, Farmington, and Avon
- e. Estimated starting date for the project: As soon as possible following receipt of all required regulatory approvals

SECTION IV. PROPOSAL DESCRIPTION

Please provide a description of the proposed project, highlighting each of its important aspects, on at least one, but not more than two separate 8.5" X 11" sheets of paper. At a minimum each of the following elements need to be addressed, if applicable:

1. If applicable, identify the types of services currently provided and provide a copy of each Department of Public Health license held by the Petitioner.
2. Identify the types of services that are being proposed and what DPH licensure categories will be sought, if applicable.
3. Identify the current population served and the target population to be served.

STATE OF CONNECTICUT

Department of Public Health

LICENSE

License No. 2057-C

Chronic & Convalescent Nursing Home

In accordance with the provisions of the General Statutes of Connecticut Section 19a-493:
Hebrew Home and Hospital Incorporated of West Hartford, CT d/b/a Hebrew Home and Hospital Incorporated
is hereby licensed to maintain and operate a Chronic & Convalescent Nursing Home.

Hebrew Home and Hospital Incorporated is located at 1 Abrahms Boulevard, West Hartford CT 06117-
1508 with:

Lisa Holloway as Administrator
*Bonni Horwitz as Director of Nurses
Ava M. Pannullo as Medical Director

The maximum number of beds shall not exceed at any time:

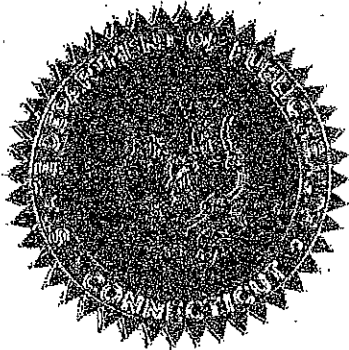
257 Chronic and Convalescent Nursing Home Beds

This license expires **September 30, 2016** and may be revoked for cause at any time.
Dated at Hartford, Connecticut October 1, 2014

Waiver Sec. 19-13-D8t(v)(8)(C) Exp. N/A
Waiver Sec. 19-13-D8t(v)(7)(C) Exp. N/A
Waiver Sec. 19-13-D8t(v)(20)(A) Exp. N/A
Waiver Sec. 19-13-D8t(b)(1)(B)(a)(8) Exp. N/A
Waiver Sec. 19-13-D8t(v)(9)(B) Exp. N/A
Waiver Sec. 19-13-D8t(v)(9)(A)(vi) Exp. N/A
Waiver Sec. 19-13-D8t(v)(9)(A)(viii) Exp. N/A
Waiver Sec. 19-13-D8t(n)(8)(B)(ii) Exp. N/A

Revised to include:

*Change of Director of Nurses effective 04/28/15



A handwritten signature in cursive script that reads "Jewel Mullen MD".

Jewel Mullen, MD, MPH, MPA
Commissioner

STATE OF CONNECTICUT

Department of Public Health

LICENSE

License No. 16CD

Chronic Disease Hospital

In accordance with the provisions of the General Statutes of Connecticut Section 19a-493:

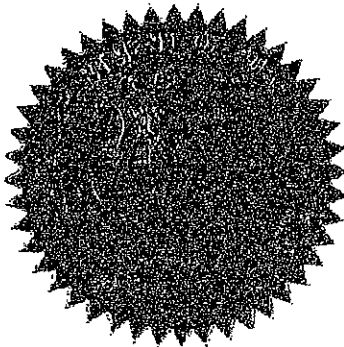
Hebrew Home and Hospital, Incorporated of West Hartford, CT d/b/a Hebrew Home and Hospital, Incorporated is hereby licensed to maintain and operate a Chronic Disease Hospital.

Hebrew Home and Hospital, Incorporated is located at 1 Abrahms Boulevard, West Hartford, CT 06117.

The maximum number of beds shall not exceed at any time:

45 Licensed Beds

This license expires September 30, 2016 and may be revoked for cause at any time.
Dated at Hartford, Connecticut, October 1, 2014. RENEWAL.



Jewel Mullen, MD

Jewel Mullen, MD, MPH, MPA
Commissioner

STATE OF CONNECTICUT

Department of Public Health

LICENSE

LICENSE NO. 0216

Outpatient Clinic

In accordance with the provisions of the General Statutes of Connecticut Section 19a-493:

Hebrew Home and Hospital, Inc. of West Hartford CT, d/b/a Hebrew Home and Hospital, Inc. is hereby licensed to maintain and operate an Outpatient Clinic.

Hebrew Home and Hospital, Inc. is located at 1 Abrahms Blvd., West Hartford, CT 06117.

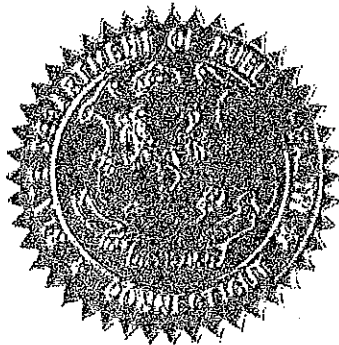
This license expires **June 30, 2016** and may be revoked for cause at any time.

Dated at Hartford, Connecticut, July 1, 2012. RENEWAL

Corrected Licensee name

Services:

- Primary Care Services
- Dental Services



Jewel Mullen MD

Jewel Mullen, MD, MPH, MPA
Commissioner

SECTION IV. PROPOSAL DESCRIPTION

This CON Determination request is being submitted to the Attorney General and the Commissioner of Public Health pursuant to Section 19a-486a of the Connecticut General Statutes ("CGS"). The Petitioners are not, however, waiving their rights to assert that the proposed transaction described herein is not subject to the provisions of Section 19a-486 through 19a-486h of the CGS (the "Conversion Act"), and they expressly reserve their rights to claim that no CON Determination or other review is required under the Conversion Act because, among other reasons, the Hebrew Home and Hospital (the "Home") is not a "nonprofit hospital" as defined by Section 19a-486(1) of the CGS. Further, if it is a nonprofit hospital, for the reasons discussed in the cover letter submitted to the Attorney General with this CON Determination request, the proposed transaction is not subject to the Conversion Act because it would not constitute a transfer of a material amount of the Home's assets or operations or a change in control of operations.

The Home is a nonprofit nonstock Connecticut corporation exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. The Home is a member of the Hebrew HealthCare family, which also includes Hebrew Health Care, Inc. as the parent, Hebrew Community Services, Inc., Hebrew Life Choices, Inc., Hebrew Healthcare Foundation, Inc. and the Connecticut Geriatric Specialty Group, Inc. (together "Hebrew HealthCare"). All are nonprofit entities organized as nonstock corporations.

The Home was originally founded in the early 1900s to provide long term care to members of the Jewish community in the area. In 1968, to better serve its population, the Home established a chronic disease hospital ("CDH"), which remains a subsidiary function of the Home. The Home currently holds licenses from the Department of Public Health for a 257 bed chronic and convalescent nursing home (the "skilled nursing home" or "SNF"), a 45 bed CDH, and an outpatient clinic. In addition to those three licenses, Hebrew Community Services is licensed as an assisted living services agency, or ALSA. A copy of each Department of Public Health license held by the Home is attached.

The Home and Hebrew HealthCare have been experiencing ongoing losses, both at the Home and on a system-wide basis, due generally to the SNF. Consequently, several years ago the Boards of the Home and Hebrew HealthCare began to consider strategic and other options to strengthen their financial position while maintaining their mission to serve vulnerable older adults. In April 2016, following a failed affiliation with Hartford HealthCare and unsuccessful negotiations with Trinity Health-New England (Saint Francis), the Home and Hebrew HealthCare considered other options, including a proposal that Marvin J. Ostreicher, a well-known operator of nursing homes and owner of National Health Care Associates, Inc. ("NHCA") had made in January 2016 related to having NHCA acquire the operations of the SNF.

The Home and Hebrew HealthCare and Mr. Ostreicher have now negotiated the proposed transaction, which will be between the Home and Hebrew Home for Health & Rehabilitation, LLC ("HHHR"), a new LLC that Mr. Ostreicher has established that is not part of NHCA. The transaction has not yet been embodied in a formal agreement but is structured as follows:

- HHHR will lease the top three floors of the Home's building, which floors are currently occupied by the SNF and will continue to be used for that purpose. The leased premises will also include (1) all existing personal property, furniture, fixtures, equipment and other related assets necessary for the day to day operations of the skilled nursing facility, and (2) the basement, the kitchen of the building, a multi-purpose room, and the main lobby and the corridors leading to the elevators. The SNF will have a separate entrance from the CDH, so the lease will not affect access to the CDH, and HHHR will provide food service to the CDH.
- The Home will continue to operate its other services, specifically, the CDH, the adult day center, the outpatient rehabilitation service, the physician clinic, and the dementia clinic in the portion of the building not leased to HHHR.
- HHHR and the Home will share use of the administrative offices on the first floor and the Synagogue.
- The initial term of the lease is for 30 years with two 15 year renewal options.

- Rent will be set at an amount equal to the monthly debt service, replacement reserve contributions and mortgage insurance and liability insurance premiums that the Home is currently required to pay to Wells Fargo Bank pursuant to the HUD-insured A mortgage on the property. Commencing in the tenth lease year and each subsequent lease year, if HHR has realized a certain net profit, base rents can increase. In addition to the base rent, HHR will be responsible for property taxes applicable to its use of the premises.
- The Home will transfer to HHR all its right, title and interests in certain assets related to the SNF and its operations, including all inventory, medical supplies and other supplies used in the operation of the SNF, all tangible and personal property used in its operation and not otherwise subject to the lease, all licenses and permits to the extent assignable, and provider numbers if assignable.
- HHR will offer to hire substantially all the SNF's current employees, and, prior to the closing, will be permitted to negotiate a new collective bargaining agreement with the union. HHR will assume the Home's currently liability for accrued but unused paid time off ("PTO"), which is currently valued at approximately \$1,250,000.
- HHR will pay \$300,000 to the Home.
- Following the transaction, HHR will be responsible for the SNF and will bill all payers for services of the SNF. At present, the primary payers for services are Medicaid and Medicare with some commercial insurance and private pay.

This transaction will provide an excellent outcome for the Home and the community. It will immediately improve the Home's balance sheet, which is currently in a significant negative asset position, and it will improve it further in the future by eliminating the ongoing substantial losses from the SNF. Further, it will relieve the Home of the obligation to pay the mortgage, which it would continue to be obligated to pay if it closed the SNF to stop the losses. The Home will continue to provide all other services it currently provides on a nonprofit basis, specifically, CDH services, geriatric psychiatric services, assisted living services, adult day care, and other services for the senior population. At the same time, the SNF will be transferred to a for-profit LLC owned by a well-regarded and well-known nursing home operator who will continue to make the services available for the community, although it is possible that the number of SNF beds could be reduced from 257 to 252 due to a lack of space after it is reconfigured.

As a result of the Proposed Transaction, the balance sheets of the Hebrew HealthCare and the Home will be improved through a combination of the removal of the PTO liability of \$1,250,000 and the receipt of the payment of \$300,000, resulting in a positive effect on the balance sheets of \$1,550,000. The effects on the balance sheets if measured as of 9/30/15 are as follows:

	<u>Home</u>	<u>Hebrew HealthCare</u>
Total Net Assets	(\$24,976,667)	(\$23,853,399)
Transaction Effect	<u>1,550,000</u>	<u>1,550,000</u>
Net Assets Post-Transaction	(\$23,426,667)	(\$22,303,399)

In addition, the elimination of the SNF's operating loss will move the Home into a gain from operations.

At present, the SNF serves aging adults who require medical and supportive services and whose serious medical and/or cognitive impairments/chronic conditions make it difficult (or impossible) for them to live in a community setting. The average age of the population served is approximately 89. The target population is the same as the SNF's current population.

Pursuant to Section 19a-638(b)(4), residential care homes, nursing homes and rest homes such as the SNF are exempt from Certificate of Need review. The Petitioners hereby respectfully request confirmation that the proposed transaction is not subject to review under the Conversion Act or Certificate of Need rules.

SECTION V. AFFIDAVIT

(Each Petitioner must submit a completed Affidavit.)

Petitioner: Hebrew Home and Hospital, Incorporated

Project Title: Operations Transfer of 257 Skilled Nursing Beds and Related Lease by Hebrew Home and Hospital to Hebrew Home for Health & Rehabilitation, LLC

I, Bonnie Gauthier, President and CEO of Hebrew Home and Hospital, Incorporated being duly sworn, depose and state that the information provided in this CON Determination form is true and accurate to the best of my knowledge.

Bonnie Gauthier
Signature

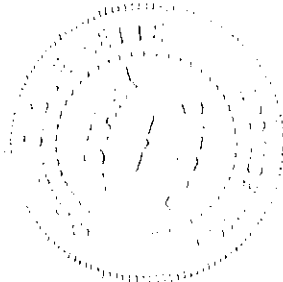
06/16/16
Date

Subscribed and sworn to before me on 06/16/16

A. Quellette
Notary Public/Commissioner of Superior Court

My commission expires: 7/31/16

ASHLEY S. QUELLETTE
NOTARY PUBLIC OF CONNECTICUT
My Commission Expires 7/31/2016



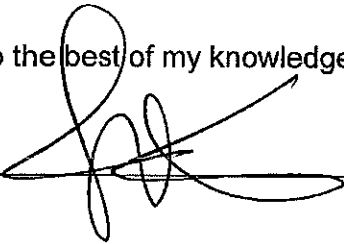
SECTION V. AFFIDAVIT

(Each Petitioner must submit a completed Affidavit.)


Petitioner: Hebrew Home for Health & Rehabilitation, LLC

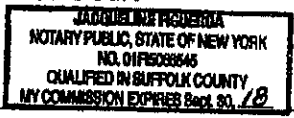
Project Title: Operations Transfer of 257 Skilled Nursing Beds and Related Lease by Hebrew Home and Hospital to Hebrew Home for Health & Rehabilitation, LLC

I, Marvin J. Ostreicher, Manager of Hebrew Home for Health & Rehabilitation, LLC being duly sworn, depose and state that the information provided in this CON Determination form is true and accurate to the best of my knowledge.

Signature  Date 6/17/16

Subscribed and sworn to before me on June 17, 2016


Notary Public/Commissioner of Superior Court



My commission expires: _____

GEORGE JEPSEN
ATTORNEY GENERAL



55 ELM STREET
P.O. BOX 120
HARTFORD, CT 06141-0120

Office of the Attorney General
State of Connecticut

July 1, 2016

Melinda A. Agsten, Esq.
Wiggin and Dana, LLP
One Century Tower
PO Box 1832
New Haven, CT 06508-1832

Re: Request for Determination Pursuant to Conn. Gen. Stat. 19-486a

Dear Attorney Agsten,

After reviewing your certificate of need determination letter dated June 20, 2016, and having considered the arguments and information set forth therein, together with the text and purpose of the Conversion Act, 19a-486a, et seq. ("the Act"), we have concluded that the proposed transaction described in your letter does not require approval pursuant to the Act.

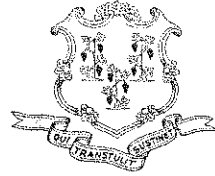
Sincerely,

A handwritten signature in blue ink, appearing to read "George Jepsen". The signature is stylized and fluid.

George Jepsen

cc: Commissioner Raul Pino, MD., MPH, Department of Public Health
Edward H. Burnbaum, Esq., Novack Burnbaum Crystal, LLP

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Raul Pino, M.D., M.P.H.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Office of Health Care Access

July 5, 2016

VIA FACSIMILE ONLY

Bonnie Gauthier
President and CEO
Hebrew Home and Hospital, Incorporated
1 Abrahms Blvd.
West Hartford, CT 06117

RE: Certificate of Need Determination Report Number 16-32095-DTR
Sale of Hebrew Home and Hospital, Incorporated to Hebrew Home for Health &
Rehabilitation, LLC

Dear Ms. Gauthier:

On June 21, 2016, the Office of Health Care Access ("OHCA") received your determination request on behalf of Hebrew Home and Hospital, Incorporated (the "Home") and Hebrew Home for Health & Rehabilitation, LLC ("HHHR") with respect to whether a Certificate of Need ("CON") is required for the sale of the Home to HHHR. The Home is licensed by the Department of Public Health ("DPH") as a Chronic & Convalescent Nursing Home. Pursuant to General Statutes § 19a-638(b)(4), a CON is not required for a nursing home. Accordingly, no CON is required for the proposed transfer of ownership.

Sincerely,

Handwritten signature of Kimberly R. Martone in black ink.

Kimberly R. Martone
Director of Operations

C: Rose McLellan, License and Applications Supervisor, DPH, DHSR



Phone: (860) 418-7001 • Fax: (860) 418-7053
410 Capitol Avenue, MS#13HCA
Hartford, Connecticut 06134-0308
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer

* * * COMMUNICATION RESULT REPORT (JUL. 5. 2016 1:03PM) * * *

FAX HEADER:

TRANSMITTED/STORED : JUL. 5. 2016 1:02PM
FILE MODE OPTION

ADDRESS

RESULT

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OK

2/2

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH CARE ACCESS

FAX SHEET

TO: BONNIE GAUTHIER
FAX: 860 523-3816
AGENCY: HEBREW HOME AND HOSPITAL, INCORPORATED
FROM: OHCA
DATE: 7/5/16 Time: _____
NUMBER OF PAGES: 2
(including transmittal sheet)

Comments:

Determination for Report Number 16-32095-DTR is enclosed for the Sale of Hebrew Home and Hospital, Incorporated t hebrew Home for heathl & Rehailitation, LLC

PLEASE PHONE Barbara K. Olejarsz IF THERE ARE ANY TRANSMISSION PROBLEMS.

Phone: (860) 418-7001

Fax: (860) 418-7053

410 Capitol Ave., MS#13HCA
P.O.Box 340308
Hartford, CT 06134